

CHAPTER 139**VAN BUREN COMMUNITY SCHOOL DISTRICT LEGALIZING ACT***H.F. 575*

AN ACT to legalize proceedings taken by the board of directors of the Van Buren community school district relating to the sale of certain land.

WHEREAS, there appears in the minutes of the board of directors of the Van Buren community school district in special session on August 22, 1968, a motion to list a house at Stockport, Iowa, owned by the school for sale, the description of the property legally described as:

Lot Thirty-eight (38) and the North Ten feet (10') of Lot Thirty-seven (37) in Parnitzke's Addition to the Town of Stockport, Van Buren County, Iowa; and

WHEREAS, the requirements as set out in section 297.22 and related sections of the Iowa Code were not complied with, and doubts have arisen concerning the legal sufficiency of the sale and it is deemed advisable and necessary to put such doubts and all others that might arise concerning said sale to rest; NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That all acts and proceedings taken by the board of directors of the Van Buren community school district in connection with the sale of the property described as:

Lot Thirty-eight, (38) and the North Ten feet (10') of Lot Thirty-seven (37) in Parnitzke's Addition to the Town of Stockport, Van Buren County, Iowa;

to Joseph H. Blakeley and Violet E. Blakeley are hereby legalized, validated and confirmed and constitute a valid, legal, and binding sale.

Approved May 16, 1985

CHAPTER 140**COAL MINING PENALTY PROCEDURES***H.F. 626*

AN ACT to revise the procedures for the assessment of penalties under the laws regulating coal mining.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 83.10, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding sections 453.7, subsection 2, and 666.3, the interest or earnings on investments or time deposits of the proceeds of a performance bond forfeited to the department, cash deposited under subsection 2, any funds provided for the abandoned mine reclamation program under section 83.21 and any civil penalties collected pursuant to sections 83.14 and 83.15 shall be credited the payment of costs and administrative expenses associated with the reclamation, restoration or abatement activities of the department. The department may expend funds credited to it under this subsection to conduct reclamation activities on any areas disturbed by coal mining not subject to a presently valid permit to conduct surface mining.

Sec. 2. Section 83.14, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 9. When on the basis of an inspection, or other information available to the department, the director has reasonable cause to believe that the operator is unable to complete reclamation of all or a portion of the permit area as required by law, the director shall issue an order to the operator to show cause as to why all or a portion of the performance bond required by section 83.10 should not be revoked.

Sec. 3. Section 83.14, subsection 4, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

4. A permittee may request in writing an appeal to the committee of a decision made in a hearing under subsection 3 within thirty days of the decision. The committee shall review the record made in the contested case hearing, and may hear additional evidence upon a showing of good cause for failure to present the evidence in the hearing, or if evidence concerning events occurring after the hearing is deemed relevant to the proceeding. However, the committee shall not review a decision in a proceeding if the department seeks to collect a civil penalty pursuant to section 83.15, and those decisions are final agency actions subject to direct judicial review as provided in chapter 17A.

The contested case hearing shall be scheduled within thirty days of receipt of the request by the department. If the decision in the contested case is to revoke the permit, the permittee shall be given a specific period to complete reclamation, or the attorney general shall be requested to institute bond forfeiture proceedings.

Sec. 4. Section 83.14, subsection 8, Code 1985, is amended to read as follows:

8. At the request of the department, the attorney general shall institute any legal proceedings, including an action for an injunction or a temporary injunction necessary to enforce the penalty provisions of this chapter or to obtain compliance with this chapter. Injunctive